

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA
8

9 EMPLOYEE PAINTERS' TRUST;
10 NORTHERN NEVADA PAINTERS AND
11 ALLIED TRADES JOINT APPRENTICESHIP
12 AND TRAINING TRUST FUND, et al.,
13

Case No. 2:12-cv-00848-KJD-VCF

Plaintiffs,

vs.

SIMAS FLOOR COMPANY, INC., et al.,

**JUDGMENT DISMISSING AND
DISCHARGING THE PELLETT
DEFENDANTS WITH PREJUDICE**

Defendants.

/

14
15
16 THIS ACTION came to be considered before the Court. The issues have been considered
17 and a decision has been rendered. This Judgment Dismissing and Discharging the Pellett
18 Defendants with Prejudice (this "Judgment") is also being entered pursuant to Federal Rules of
19 Civil Procedure 22, 41(a), and 67 and the Stipulation and Order to Deposit Disputed Funds into
20 Court (the "Stipulation") by and among: (1) Plaintiffs fiduciaries of the Employee Painters' Trust,
21 the Northern Nevada Painters and Allied Trades Joint Apprenticeship and Training Trust Fund,
22 and the International Union of Painters and Allied Trades Industry Pension Trust Fund
23 (collectively, "Plaintiffs"); (2) Defendants James Edward Simas dba J.E. Simas Floors, and
24 Carmichael Floor Company (collectively, the "Simas Defendants"); and (3) Defendants Pellett
25 Construction, LLC ("Pellett Construction") and Thomas Pellett and Sabrina Pellett (collectively,
26 the "Pellett Defendants").

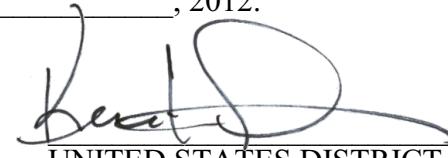
27 IT IS HEREBY EXPRESSLY DETERMINED that the interpleader stakeholder in this
28 matter, Defendant Pellett Construction, has, pursuant to the Stipulation: (a) deposited \$2,488.42

1 (the "Disputed Funds") into the registry of the Court; (b) retained \$5,554.00 to compensate the
2 Pellett Defendants for their attorney's fees and costs in this action; and (c) paid \$1,921.46, to J.E.
3 Simas Floors, and the Pellett Defendants have satisfied all other conditions for obtaining this
4 Judgment;

5 IT IS HEREBY FURTHER EXPRESSLY DETERMINED, pursuant to Federal Rule of
6 Civil Procedure 54(b), that there is no just reason for delay in entering this Judgment, and,
7 therefore;

8 IT IS HEREBY ORDERED, ADJUDGED AND DIRECTED, pursuant to Federal Rule
9 of Civil Procedure 54(b), that Judgment is hereby entered dismissing with prejudice all claims in
10 this action against the Pellett Defendants; and the Pellett Defendants and each and all of their
11 officers, directors, agents, servants, employees, representatives, attorneys, successors and assigns,
12 bonding companies, insurers, and persons and entities for whom Pellett Construction has
13 performed work from May 1, 2011 through the date of the Stipulation are hereby released and
14 discharged from any and all liability to, or on account of any monies owed to, Plaintiffs, the
15 Simas Defendants, and each all of their respective fiduciaries, trustees, administrators, third party
16 administrators, officers, directors, agents, servants, employees, representatives, attorneys,
17 successors and assigns, with respect to any and all work performed by any of the Simas
18 Defendants and / or allegedly related persons or entities as a subcontractor for Pellett
19 Construction from May 1, 2011 through the date of the Stipulation.

20 DATED: August 15, 2012.


21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT JUDGE